

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
)  
)  
)CASE CLOSURES UNDER  
ENFORCEMENT PRIORITY**SENSITIVE**

## GENERAL COUNSEL'S REPORT

I. INTRODUCTION

The cases listed below have been evaluated under the Enforcement Priority System (EPS) and identified as either low priority, stale, or the statute of limitations has expired. This report is submitted in order to recommend that the Commission no longer pursue these cases for the reasons noted below.

II. CASES RECOMMENDED FOR CLOSUREA. Cases Not Warranting Further Action Relative to Other Cases  
Pending Before the Commission

EPS was created to identify pending cases that, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditures of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria that result in a numerical rating for each case.

Closing these cases permits the Commission to focus its limited resources on more important cases presently pending in the Enforcement docket. Based upon this review, we have identified cases that do not warrant further action relative to other pending matters. We recommend that these cases be closed.<sup>1</sup>

<sup>1</sup> These cases are: P-MUR 388 (*United Steelworkers of America*); P-MUR 392 (*First National Bank of Johns Creek*); RR 99L-13 (*Keane Committee*); RR 00L-02 (*Federal Independent Campaign Committee*); MUR 4930 (*American Federation of Teachers*); MUR 4945 (*Friends of Joe Baca*); MUR 4954 (*Ulster County Republican Committee*); MUR 4958 (*Peter Roskam*); MUR 4960 (*Hillary Rodham Clinton for US Senate Exploratory Committee*); MUR 4971 (*Bill Morrow for Congress*); MUR 4972 (*Issa for Congress*); MUR 4975 (*Mike Honda for Congress*); MUR 4980 (*Mike Honda for Congress*)

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The attachments to this report contain a factual summary of each of the cases recommended for closing, the case EPS rating, and the factors leading to the assignment of a low priority and our recommendation not to further pursue the matter.

### **B. Stale Cases**

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources primarily because the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. EPS provides us with the means to identify those cases which, though earning a higher numerical rating, remain unassigned for a significant period due to a lack of staff resources for an effective investigation. The utility of commencing an investigation declines as these types of cases age, until they reach a point when activation of such cases would not be an efficient use of the Commission's resources.

We recommend that four of

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MUR 4985 (*Dooley for Congress*); MUR 4986 (*Denver Broncos*); MUR 4988 (*Tom Berns for State Representative*); MUR 4991 (*Zimmer 2000, Inc.*); MUR 4993 (*Tom Foley for US Senate*); MUR 4995 (*Friends of Weiner*); MUR 5003 (*Denver Broncos*); and MUR 5005 (*Toltz 2000*).

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these cases be closed,<sup>4</sup>

Attached to this report is a factual summary of each of the complaints recommended for closing and the EPS rating for the matter.

We recommend that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

### III. RECOMMENDATIONS

1. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letter in:

a. P-MUR 388  
d. RR 00L-02

b. P-MUR 392

c. RR 99L-13

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<sup>4</sup> These cases are: MUR 4516 (*Democratic National Committee*); MUR 4649 (*Wyden For Senate*); MUR 4892 (*Americans for Term Limits*); and MUR 4899 (*Texans for Good Government*).

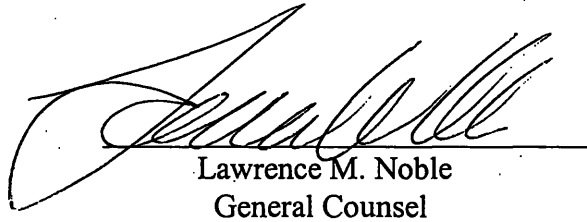
2. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

MUR 4516  
MUR 4899  
MUR 4954  
MUR 4960  
MUR 4975  
MUR 4985  
MUR 4991  
MUR 5003

MUR 4649  
MUR 4930  
  
MUR 4971  
MUR 4980  
MUR 4986  
MUR 4993  
MUR 5005

MUR 4892  
MUR 4945  
MUR 4958  
MUR 4972  
  
MUR 4988  
MUR 4995

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9/14/02  
Date

  
Lawrence M. Noble  
General Counsel

Attachments

Stale Case Summaries